

#### REMARKS

In the outstanding Official Action, all of the claims except claims 23 and 46 were allowed. The indicated allowability of claims 23 and 46 was withdrawn in view of the newly-discovered Maissel et al reference, and claims 23 and 46 were newly rejected over Herz et al in view of Maissel et al, for the reasons of record. More particularly, it was admitted in the Action that Herz fails to disclose the processor being further adapted to occasionally recommend a surprise show that has relatively few features in common with watched shows, but that the teachings of Maissel would overcome this deficiency. In response, claims 23 and 46 are herewith amended to incorporate additional subject matter from the instant disclosure, and it is respectfully submitted that these claims, as herein amended, now clearly patentably distinguish over the cited and applied art, for the reasons detailed below.


The cited portion of Maissel teaches that for the particular subset of viewers that prefer to "surf" (i.e. view programs only for a short period of time) randomized program selections may be included as preferred program selections. This feature is clearly different from the "surprise me" feature of the instant invention, as described on page 16 of the instant

application, wherein it is taught that it may be advantageous to recommend to every viewer (not just "surfers") a surprise show that has relatively few features in common with both watched and not watched shows. It should be noted that the term "not watched shows", as used in the instant specification, does not necessarily refer to all not watched shows, since various techniques such as sampling may be used to reduce the unmanageably large number of such shows. Accordingly, claims 23 and 46 are herewith amended in order to further recite that recommendations are provided to every viewer and these recommendations are not randomized but rather are expressly selected based upon the characteristic of having relatively few features in common with watched shows and not watched shows (as those terms are defined in the instant specification).

Thus, claims 23 and 46, as herein amended to more clearly and precisely recite the instant invention, are clearly patentably distinguishable in that the "surprise show" is provided to a different class of viewer than that of Maissel, and in that the program selection is not randomized, but rather is based on certain specific and advantageous criteria.

In view of the foregoing, it is respectfully submitted that all of the currently-pending claims are in condition for allowance, and favorable consideration is earnestly solicited.

Respectfully submitted,

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